

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

KEVIN HILL,

Plaintiff,

v.

Case No. 05-cv-263-JPG

GRANITE CITY POLICE DEPARTMENT
EVENING SHIFT COMMANDING
SERGEANT,

Defendant.

MEMORANDUM AND ORDER

GILBERT, District Judge:

This matter comes before the Court on a Report and Recommendation (R&R) from Magistrate Judge Frazier on defendant's motion to dismiss for lack of prosecution (Doc. 28). Judge Frazier recommends that this Court grant defendant's motion and dismiss this case for lack of prosecution. Hill has not objected to the R&R.

After reviewing a magistrate judge's report and recommendation, the Court may accept, reject or modify, in whole or in part, the findings or recommendations of the magistrate judge in the report. Fed. R. Civ. P. 72(b). The Court must review *de novo* the portions of the report to which objections are made. The Court has discretion to conduct a new hearing and may consider the record before the magistrate judge anew or receive any further evidence deemed necessary. *Id.* "If no objection or only partial objection is made, the district court judge reviews those unobjected portions for clear error." *Johnson v. Zema Systems Corp.*, 170 F.3d 734, 739 (7th Cir. 1999).

Judge Frazier has concluded, and the record clearly demonstrates, that the plaintiff has failed to provide the Clerk of Court with an address to which his mail should be delivered. A

number of documents the Clerk of Court has sent have been returned as undeliverable because the plaintiff is not at the last address he has provided. In any event, the Court finds no error in Judge Frazier's conclusion.

The Court **ACCEPTS** Judge Frazier's R&R (Doc. 28), **GRANTS** the defendant's motion (Doc. 24), **DISMISSES** this case **WITHOUT PREJUDICE** for lack of prosecution, and **DIRECTS** the Clerk of Court to enter judgment accordingly.

IT IS SO ORDERED.

DATED: August 9, 2007

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE